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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,584	07/20/2001	William A. Huffman	062986.0210	1410
7590 04/15/2005			EXAMINER	
Baker Botts L.L.P.			ZHONG, CHAD	
Suite 600			ART UNIT	
2001 Ross Avenue			PAPER NUMBER	
Dallas, TX 75201-2980			2152	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/910,584

Applicant(s)

HUFFMAN ET AL.

Examiner

Chad Zhong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-20, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 8-11 and 21-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## OFFICE ACTION

1. This action is responsive to communications: Amendment, filed on 01/28/2005.

Claims 1-26 are presented for examination. In amendment B, filed on 01/28/2005:

Claims 1, 2, 4, 6, 14, 15, 17 and 24 are amended.

2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

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Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United

States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 14-16, 13, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Westby, US 6,502,189.

6. As per claim 1, Westby teaches a method for communicating to a sender an availability of receiving a new message in a plurality of buffers each having at least one slot for storing the new message comprising: determining whether there is at least one slot available in each of the buffers for receiving the new message (Col. 17, lines 15-30. wherein the frames in the frame buffer correspond to the buffer slot, they are both space that are available on the buffers); and providing a credit signal to the sender only when all of the buffers have at least one slot available for storing the new message (Col. 17, lines 15-30; Col. 24, lines 45-50).

7. As per claim 2, Westby teaches a method according to claim 1 further comprising monitoring the

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buffers to determine whether at least one slot in each of the buffers is available for storing the new message (Col. 17, lines 15-30; Col. 7, lines 25-35).

8. As per claim 3, Westby teaches a method according to claim 1 further comprising providing a count for each of the buffers (Col. 19, lines 65 - Col. 20, line 9).

9. As per claim 13, Westby teaches a method according to claim 1 further configuring each the buffers with a comprising different particular message type (Col. 23, lines 50-55).

10. As per claim 14-16, claims 14-16 are rejected for the same reasons as rejection to claims 1-3 above respectively.

11. As per claim 26, Westby teaches system according to claim 17 wherein at least two of the buffers are configured to receive a different particular message type (Col. 17, lines 15-30; Col. 23, lines 50-55).

*Claim Rejections - 35 USC § 103*

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 12, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby.

14. As per claim 12 and 25, although Westby doesn't specifically disclose the 6 buffers, such limitations are merely a matter of design choice and would have been obvious in system of Westby.

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Westby teaches that write/read operations are suspended unless all of the buffers are freed up. The limitations in claims 12 and 25 do not define a patentably distinct invention over that in Westby since both the invention as a whole and Westby are directed to buffer management schemes wherein all the buffers need to be free in order to transfer data from sender. The amount of buffers is inconsequential for the invention as a whole and presents no new or unexpected results, so long as the information is successfully sent with all the buffers available. Therefore, to have only 6 buffers in Westby would have been a matter of obvious design choice to one of ordinary skill in the art.

*Allowable Subject Matter*

Claims 4-11, 17-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to method of providing router with subnetwork address pool in a cellular telecommunications network.

- i. US 5933618 Tran et al.
- ii. US 5265091 van Landegem, Thierry L. M. F.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

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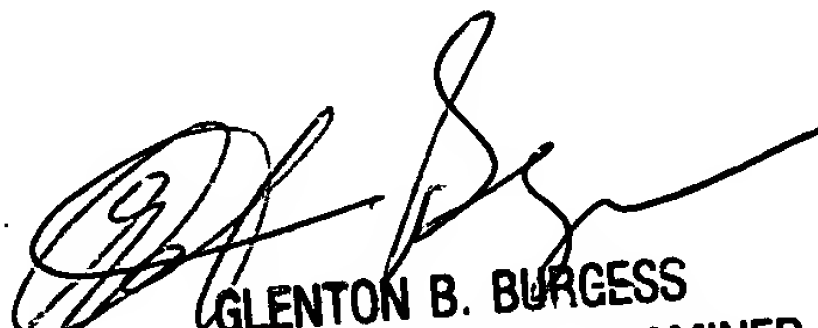
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor.

BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ

April 14, 2005



GLENTON B. BURGESS  
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